



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2632-99

26 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 23 August 1951 at the age of 17.

Your record reflects that during the period from 19 April to 5 August 1952 you received nonjudicial punishment (NJP) on three occasions for possession of intoxicating beverages aboard ship, drunkenness, and absence from your appointed place of duty.

Your record also reflects that on 11 March 1953 you were convicted by special court-martial (SPCM) of a 16 day period of unauthorized absence (UA). You were sentenced to confinement on bread and water for 10 days and a \$25 forfeiture of pay. On 24 October 1953 you received NJP for drunk and disorderly conduct and were awarded restriction for seven days.

Your record further reflects that on 26 March and 5 April 1954 you received NJP on two occasions for loss of property and dereliction in the performance of your duties. Shortly thereafter, on 26 July 1954, you were convicted by SPCM of two periods of UA totalling 53 days, missing the movement of your

ship, and failure to obey a lawful order. You were sentenced to confinement at hard labor for six months, forfeitures totalling \$360, reduction to paygrade E-1, and a bad conduct discharge (BCD). While in confinement, you requested that the BCD be immediately executed. Subsequently, the BCD was approved at all levels of review and ordered executed. On 26 December 1954 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board also considered your contention that alcoholism was the cause of your problems. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in eight disciplinary actions. Further, alcohol abuse does not excuse misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director